

**Introduced by Senator Anderson**February 27, 2015

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An act to amend Section 699.5 of the Military and Veterans Code, relating to veterans.

## LEGISLATIVE COUNSEL'S DIGEST

SB 727, as introduced, Anderson. Military veterans: claims.

Existing law authorizes the Department of Veterans Affairs to assist every veteran of the United States and the dependent or survivor of every veteran of the United States in presenting and pursuing specified claims, including claims for disability compensation benefits and burial benefits, as the veteran, dependent, or survivor may have against the United States arising out of military service, and in establishing any rights to any privilege, preference, care, or compensation provided for by the laws of the United States or of this state.

This bill would make technical, nonsubstantive changes to that provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 699.5 of the Military and Veterans Code
- 2     is amended to read:
- 3     699.5. (a) The department may assist every veteran of the
- 4     United States and the dependent or survivor of every veteran of
- 5     the United States in presenting and pursuing the claim as the
- 6     veteran, dependent, or survivor may have against the United States
- 7     arising out of military ~~service~~ service, and in establishing the

1 veteran's, dependent's, or survivor's right to any privilege,  
2 preference, care, or compensation provided for by the laws of the  
3 United States or of this state. The department may cooperate and,  
4 with the approval of the Department of Finance, contract with any  
5 veterans service organization, and pursuant to the contract may  
6 compensate the organization for services within the scope of this  
7 section rendered by it to any veteran or dependent or survivor of  
8 a veteran. The contract shall not be made unless the department  
9 determines that, owing to the confidential relationships involved  
10 and the necessity of operating through agencies that the veterans,  
11 dependents, or survivors involved will feel to be sympathetic  
12 toward their problems, the services cannot satisfactorily be rendered  
13 otherwise than through the agency of the veterans organization  
14 and that the best interests of the veterans, dependents, or survivors  
15 involved will be served if the contract is made.

16 (b) (1) The Legislature finds and declares that services provided  
17 by veterans service organizations play an important role in the  
18 department's responsibilities to assist veterans and their dependents  
19 and survivors in presenting and pursuing claims against the United  
20 States, and that it is an efficient and reasonable use of state funds  
21 to provide compensation to veterans service organizations for these  
22 services.

23 (2) The Legislature further finds and declares that paragraph  
24 (1) shall not be implemented by using the General Fund until the  
25 annual budget for county veterans service officers reaches a  
26 minimum of five million dollars (\$5,000,000). This subdivision  
27 shall not be construed to preclude the use of federal funding in  
28 implementing these provisions.

29 (c) Veterans service organizations that elect to contract with the  
30 department in accordance with this section shall document the  
31 claims processed each year by the veterans service officers  
32 employed by the veterans service organization at offices located  
33 in California. The documentation shall be in accordance with  
34 procedures established by the department.

35 (d) The department shall determine annually the amount of  
36 monetary benefits paid to eligible veterans and their dependents  
37 and survivors in the state as a result of the work of the veterans  
38 service officers of the contracting organizations. Beginning on  
39 January 1, 2006, the department shall, on or before January 1 of  
40 each year, prepare and transmit its determination for the preceding

1 fiscal year to the Department of Finance and the Legislature. The  
2 department shall also identify federal sources to support the efforts  
3 of veterans service organizations pursuant to this section. The  
4 Department of Finance shall review the department's determination  
5 in time to use the information in the annual Budget Act for the  
6 budget of the department for the next fiscal year.

7 (e) For purposes of this ~~section~~ *section, the following definitions*  
8 *shall apply:*

9 (1) "Survivor" means any relation of a deceased veteran who  
10 may be entitled to make a claim for any privilege, preference, care,  
11 or compensation under the laws of the United States or this state  
12 based upon the veteran's war service.

13 (2) "Veterans service officer" means an individual employed  
14 by a veterans service organization and accredited by the United  
15 States Department of Veterans Affairs to process and adjudicate  
16 claims and other benefits for veterans and their dependents and  
17 survivors.

18 (3) "Veterans service organization" means an organization that  
19 meets all of the following criteria:

20 (A) Is formed by and for United States military veterans.

21 (B) Is chartered by the United States Congress.

22 (C) Has regularly maintained an established committee or  
23 agency in a regional office of the United States Department of  
24 Veterans Affairs in California rendering services to veterans and  
25 their dependents and survivors.